66

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5123 of 2007

PETITIONER M.R. Pradhan, S/o Shri T.R. Pradhan, aged about 45 years, D.E.O. (Education) Ramanujganj Head Quarter Ambikapur, Distt. Sarguja (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh Through Secretary, Education (School) Department D.K.S. Bhavan, Raipur (C.G.)
2. Director Public Instruction Raipur (C.G.)
3. Agustina Xalxo Incharge of District Education Officer, Education District Ambikapur, Distt. Sarguja (C.G.)
4. Collector Sarguja Ambikapur, District Sarguja (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri J.S. Baraik, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State/respondents No. 1, 2 & 4 on advance copy.

Shri Sanjay Patel, counsel for respondent No.3 on Caveat Petition No. 707/2007.

ORAL ORDER
(07.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is presently working as District Education Officer (D.E.O.), Ramanujganj, Head Quarter Ambikapur, District Sarguja, has been transferred from the said place as a Principal, Govt. Higher Secondary School, Bhaiyathan, District Sarguja on administrative grounds (Annexure-P/3) and respondent No.3 has been brought to his place from Govt. Girls Higher Secondary School, Manipur Ward, Ambikapur, District Sarguja. This is also on administrative grounds.

67

Learned counsel for the petitioner argues that the petitioner is senior person and he is working as District Education Officer, therefore, he should not have been transferred as Principal. He also argues that the transfer of the petitioner as Principal from the post of D.E.O. shall affect his future promotion. Though he has argued like this but he could not apprise this Court regarding any such Rules or circular of the Government, according to which, on such transfer, the future promotion shall be affected.

The transfer is an exigency of service and nobody posted/working on transferable post can claim for ~~passing~~ posting at a particular place. It is for the employer to see as to who should be posted at which place and unless the order of transfer is shown to be vitiated by malafides or passed on extraneous considerations or is against any statutory Rules or the Act, it cannot be interfered by a Court of law, is the settled view of the Apex Court.

Since the learned counsel for the petitioner could not make out any such grounds as above and he also could not apprise this Court that the transfer of the petitioner as Principal shall adversely affected his future service and the career of the petitioner, I am of the opinion that present is not a fit case to interfere with the said order passed by the Government on 29.6.2007.

The petition has no merits, the same is dismissed at the motion stage itself.

In consequence the Caveat Petition No. 707/2007 stands discharged.

Sd/-
Sunil Kumar Sinha
Judge

vatti